

**Introduced by Senator Steinberg**

February 21, 2007

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An act to amend Section 4554.5 of, and to add Sections 739.5 and 4629 to, the Public Resources Code, relating to forest resources.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 466, as introduced, Steinberg. Forest resources.

(1) Existing law establishes the State Board of Forestry and Fire Protection in the Department of Forestry and Fire Protection.

This bill would authorize the board, consistent with law and the policies of the executive branch, to hire professional and administrative staff to provide scientific, legal, and other services to the board, either as employees or contractors.

The bill also would state the Legislature's intent that the board's budget be proposed and accounted for in a manner separate and distinguishable from the department's budget.

(2) The Z'berg-Nejedly Forest Practice Act of 1973 requires the board to adopt district forest practice rules and regulations for each forest district in the state, and other rules and regulations related to forest practices. The act, except as otherwise specified, requires the board's rules and regulations to become effective on the next January 1 that is not less than 30 days from the date of the Office of Administrative Law's approval of those rules and regulations.

This bill instead would require those rules and regulations to become effective on the next January 1 or July 1, that is not less than 30 days from the date of the Office of Administrative Law's approval of those rules and regulations.

(3) The act regulates the conversion of timberland to uses other than the growing of timber.

This bill would specify the manner by which the environmental effects, including climate change effects, of forestland and timberland conversions, may be mitigated, for purposes of the act and regulations adopted by the board pursuant to the act. The bill would authorize the board to adopt implementing regulations. Because a willful violation of these provisions or of an implementing rule or regulation of the board would be a crime, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) California is a national and international leader in  
4 recognizing the daunting challenges posed by global climate  
5 change. California has responded with the passage of landmark  
6 legislation, executive orders from Governor Arnold  
7 Schwarzenegger, and the appropriation of millions of dollars, all  
8 of which are designed to establish a framework that will lead to  
9 measurable and enforceable reductions in the emissions of  
10 greenhouse gases that contribute to global warming.

11 (b) The initial focus of California's efforts has appropriately  
12 focused on the reduction of emissions within the energy and  
13 transportation sectors of the state economy, and it will be important  
14 to have a similar focus on other sectors that can contribute emission  
15 reductions and provide a means to sequester carbon dioxide and  
16 other greenhouse gases over time. California should implement a  
17 comprehensive approach to global warming.

18 (c) The Climate Change Action Plan of Governor Arnold  
19 Schwarzenegger seeks 8.6 to 9.6 million metric tons in carbon  
20 dioxide emission reductions from the forestry sector by 2010, and  
21 nearly 35 million tons in carbon dioxide emission reductions by  
22 2020. The forested land base in California constitutes 40 percent  
23 of the state's land and offers a great opportunity for mitigating the

1 effects of carbon emissions from other sectors of the economy, as  
2 long as these lands are managed for that purpose.

3 (d) The Climate Change Action Plan proposes that these  
4 important objectives will be met through a combination of  
5 improved forestry management, forest conservation, urban forestry  
6 programs, reforestation, and fuels management. The Climate  
7 Change Action Plan acknowledges that these efforts will also have  
8 the effect of protecting biodiversity, water quality, and habitat  
9 resources.

10 (e) California currently produces approximately 428 million  
11 metric tons of greenhouse gases, with carbon dioxide constituting  
12 approximately 80 percent of that total. The forestlands of California  
13 could conceivably serve as a carbon reservoir and sequester  
14 approximately 20 million metric tons of carbon dioxide per year.  
15 However, due to the conversion of these lands and management  
16 decisions that do not emphasize carbon sequestration, scientists  
17 are concerned that the sequestration capability of California's  
18 forestlands is diminishing with a percentage of California's forest  
19 carbon being released into the atmosphere as carbon dioxide.

20 (f) Nationally, the volume of forestlands has decreased by  
21 one-third and the estimates in California are that from 25,000 acres  
22 to perhaps as many as 60,000 acres of timberland is lost each year  
23 to conversion to nontimber uses. Sonoma County had more  
24 timberland conversion applications in 2005 than in the previous  
25 10 years combined. In a county ordinance, Sonoma County now  
26 requires applicants for timberland conversions to preserve two  
27 acres for each acre that is converted.

28 (g) These greenhouse gas reductions are achievable only if the  
29 state improves the management and protection of its forestlands  
30 to emphasize the protection and enhancement of overall forest  
31 carbon stocks, and provides mechanisms, including incentives to  
32 landowners, that will preserve forestlands so that they remain  
33 viable for purposes of the sustainable harvest and regeneration of  
34 trees, fostering the many other public benefits that forests provide.

35 (h) The conversion of forestland into other uses has  
36 environmental effects that are cognizable under the California  
37 Environmental Quality Act (Division 13 (commencing with Section  
38 21000) of the Public Resources Code) and regulations of the State  
39 Board of Forestry and Fire Protection. However, the Legislature

1 finds that many timberland and forestland conversions have not  
2 been mitigated fully as required by these authorities.

3 (i) The State Board of Forestry and Fire Protection should have  
4 authority to implement this act, and it should have authority to  
5 implement regulations more than once a year, a limitation that  
6 exists in current law.

7 SEC. 2. Section 739.5 is added to the Public Resources Code,  
8 to read:

9 739.5. Consistent with law and the policies of the executive  
10 branch, the board may hire professional and administrative staff  
11 to provide scientific, legal, and other services to the board, either  
12 as employees or contractors.

13 SEC. 3. Section 4554.5 of the Public Resources Code is  
14 amended to read:

15 4554.5. (a) Notwithstanding Section 11343.4 of the  
16 Government Code, except as specified in subdivision (b), rules  
17 and regulations adopted or revised pursuant to this chapter shall  
18 become effective on the next January 1 *or July 1*, that is not less  
19 than 30 days from the date of approval of those rules or regulations  
20 by the Office of Administrative Law.

21 (b) Notwithstanding subdivision (a), if the board adopts  
22 emergency regulations pursuant to Section 4555, and subsequently  
23 adopts those emergency regulations as nonemergency rules or  
24 regulations pursuant to this chapter, the rules or regulations shall  
25 become effective 30 days from the date of approval of the rules  
26 or regulations by the Office of Administrative Law.

27 ~~(c) This section shall become operative on January 1, 2001.~~

28 SEC. 4. Section 4629 is added to the Public Resources Code,  
29 to read:

30 4629. (a) For purposes of this chapter and the board's  
31 regulations adopted pursuant to this chapter, the environmental  
32 effects, including the climate change effects, of a forestland or  
33 timberland conversion may be mitigated by any of the following:

34 (1) The applicant for the conversion providing a specified  
35 amount of land, with specified characteristics, either in fee or by  
36 conservation easement, for each acre of timberland or forestland  
37 that is proposed to be converted. The mitigation lands shall be  
38 managed for climate benefits in accordance with the California  
39 Climate Action Registry Forestry Protocols, and shall be eligible

1 for timber harvest pursuant to local ordinances, this chapter, and  
2 regulations enacted pursuant to this chapter.

3 (2) The applicant for the conversion providing sufficient money  
4 to purchase sufficient mitigation lands either in fee or as a  
5 conservation easement in the same quantity and with the same  
6 characteristics as identified in paragraph (1). The purchased  
7 mitigation lands shall be managed and protected for climate  
8 benefits in accordance with the California Climate Action Registry  
9 Forestry Protocols. The applicant shall also provide sufficient  
10 revenue for the ongoing maintenance of the purchased mitigation  
11 lands. The agreement shall be completed prior to, or simultaneous  
12 with, the approval of the conversion application.

13 (b) (1) This section neither expands nor contracts the mitigation  
14 obligations that may exist pursuant to this chapter, the board's  
15 regulations, and the California Environmental Quality Act  
16 (Division 13 (commencing with Section 21000)).

17 (2) A county may determine that mitigation pursuant to this  
18 section fully mitigates the proposed timberland or forestland  
19 conversion. Nothing in this section prevents a local government  
20 from prohibiting the conversion of timberlands or forestlands or  
21 imposing stricter mitigation requirements than are authorized  
22 pursuant to this section.

23 (c) For purposes of this section, the following terms have the  
24 following meaning:

25 (1) "Forestland" means those lands that currently have, or  
26 historically had, 10 percent or more canopy cover of live trees and  
27 that are not currently developed for nonforest use.

28 (2) "Timberland" has the same meaning as that term is defined  
29 by Section 4526.

30 (d) The board may adopt regulations to implement this section.

31 SEC. 5. The Legislature intends that the State Board of Forestry  
32 and Fire Protection's budget should be proposed and accounted  
33 for in a manner separate and distinguishable from the budget of  
34 the Department of Forestry and Fire Protection.

35 SEC. 6. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district will be incurred because this act creates a new crime or  
39 infraction, eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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